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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and Protection
of Minorities
Working Group on Indigenous Populations
Twelfth session
25-29 July 1994
Item 4 of the provisional agenda

STANDARD-SETTING ACTIVITIES: EVOLUTION OF STANDARDS CONCERNING THE RIGHTS OF INDIGENOUS PEOPLES

Information received from Governments

Introduction

1. In resolution 1982/34, of 7 May 1982, the Economic and Social Council authorized the Sub-Commission on Prevention of Discrimination and Protection of Minorities to establish annually a working group on indigenous populations to review developments pertaining to the promotion and protection of the human rights and fundamental freedoms of indigenous populations, together with information requested annually by the Secretary-General, and to give special attention to the evolution of standards concerning the rights of indigenous populations.

2. In resolution 1993/46, of 26 August 1993, the Sub-Commission requested the Secretary-General to transmit to Governments for their comments the text of the draft declaration on the rights of indigenous peoples, contained in the report on the Working Group's eleventh session (E/CN.4/Sub.2/1993/29), along with a note stating that no further amendments to the text would be accepted.

The Commission on Human Rights endorsed this request in resolution 1994/29, of 4 March 1994. Pursuant to these resolutions, the relevant communications were sent to Governments. This document contains the replies received as of 1 June 1994. If more replies are received, they will be included in addenda to this document.

ECUADOR

[Original: Spanish]
[14 April 1994]

1. Ecuador has balanced the interests of the various indigenous communities, the settlers and all sectors of the population. Ecuadorian society is unitary, multicultural and multiracial. Recognition of this pluralism cannot and should not affect the historical and legal unity of the State. In this regard, the ethnic minorities or indigenous groups forming part of the Ecuadorian nation are entitled to their own culture and land. Demographically and historically, the indigenous population of Ecuador has played an important role in establishing our nationhood. The various ethnic groups form cultural systems with languages and customs of their own, and this has made for the multicultural nature of Ecuador's society.

2. The draft includes matters pertaining to the right to self-determination and political participation and rights to land, in terms which could lead to situations of conflict with various State institutions. This is true of articles 3, 20, 23, 25 to 28, 30 and 32, which contain some unacceptable provisions.

3. A "Declaration" is not binding and cannot, as does article 37, stipulate that States should incorporate all of the declaration's postulates in its internal legislation. However, Ecuadorian law already includes a large number of them.

4. The Government of Ecuador considers that the wording should protect the rights of indigenous peoples, but should also be such as not to promote the destabilization of society.

PANAMA

[Original: Spanish]
[29 March 1994]

1. Consultations with indigenous groups show that the fourth preambular paragraph of resolution 1992/33, where it says "that the Working Group can fulfil its standard-setting task only if it enjoys the greatest possible ... participation of ... Governments and intergovernmental and non-governmental organizations and ... representatives of indigenous peoples", should be more specific in the case of such representatives. In recent years, many indigenous persons from Panama have taken part in international forums claiming to represent the indigenous populations of Panama when they have not been appointed or recognized for that purpose by the Indigenous General Congresses.

2. In the case of the Republic of Panama, there are two legally recognized indigenous areas and their legal representatives are the General Caciques and their highest-ranking organizations are the General Congresses (Kuna, Embera-Wounaan and Ngobe-Bugle).

3. Consultations with the General Caciques show that the fourth preambular paragraph should end with the words:

> "... and, in particular, with the representatives of indigenous peoples duly recognized by Governments and Indigenous Assemblies or Congresses respectively".